

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 C 3455
	)	
2007 CADILLAC ESCALADE	)	
VIN: 1GYFK63877R412537,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Jesus Fonseca ("Fonseca") has filed his Verified Answer to Complaint for Forfeiture that has been brought by the United States against a 2007 Cadillac Escalade in which Fonseca claims an ownership interest. This memorandum order is issued sua sponte to require Fonseca's counsel to cure some problematic aspects of that responsive pleading.

First, Answer ¶¶2, 3, 5 and 6 contain demands for "strict proof," whatever that may mean--see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). All of those demands, which have no proper role in federal pleading, are stricken.

Next, Answer ¶¶2 and 3 do not conform to the mandate set out in Fed. R. Civ. P. ("Rule") 8(b)(1)(B). Those paragraphs are accordingly stricken, but this time with leave to replead.

Third, it is extremely doubtful that, in the objective good faith that is required of every party and every counsel under Rule 11(b), Fonseca can flat-out deny all of the allegations in

Complaint ¶¶6 through 17, as Answer ¶5 purports to do. Because Fonseca's counsel did not comply with this District Court's LR 10.1, this Court was required to refer to two pleadings rather than one to make that evaluation--and so counsel must comply with that LR as well when he returns to the drawing board to file an Amended Answer.

In the interest of avoiding a patchwork approach to the pleading process, the entire Answer is stricken, albeit with leave to file a self-contained Amended Answer on or before September 15, 2008. No charge is to be made to Fonseca by his counsel for the added work and expense incurred in correcting the errors on counsel's part. Fonseca's counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).



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Milton I. Shadur  
Senior United States District Judge

Date: September 4, 2008